

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

<div style="display: flex; justify-content: space-between;"><div>CSX TRANSPORTATION, INC.,</div><div>)</div></div> <div style="display: flex; justify-content: space-between;"><div></div><div>)</div></div> <div style="display: flex; justify-content: space-between;"><div style="text-align: center;"><i>Plaintiff,</i></div><div>)</div></div> <div style="display: flex; justify-content: space-between;"><div></div><div>)</div></div> <div style="display: flex; justify-content: space-between;"><div>v.</div><div>)</div></div> <div style="display: flex; justify-content: space-between;"><div></div><div>)</div></div> <div style="display: flex; justify-content: space-between;"><div>NORFOLK SOUTHERN RAILWAY COMPANY, <i>et al.</i>,</div><div>)</div></div> <div style="display: flex; justify-content: space-between;"><div></div><div>)</div></div> <div style="display: flex; justify-content: space-between;"><div style="text-align: center;"><i>Defendants.</i></div><div>)</div></div>	)	Case No. 2:18-cv-530
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**NOTICE OF MOTION TO FILE DOCUMENTS UNDER SEAL**

Defendant Norfolk Southern Railway Company (“NS”), by counsel, hereby provides notice, pursuant to Local Rule 5(C), that it has moved the Court to seal its unredacted Memorandum in Support of Motion to Exclude the Opinions of Professor Howard P. Marvel, together with the following Exhibits To Defendant’s Motion to Exclude the Opinions of Professor Howard P. Marvel: 1-8; 10-18; 20-27; 29-31; 33; 36-63.

These documents contain and/or reference information that Plaintiff CSX Transportation, Inc. (“CSX”), Defendant Norfolk Southern Railway Company (“NS”) or Defendant Norfolk & Portsmouth Beltline Railroad Company (“NPBL”) has indicated is “CONFIDENTIAL,” “HIGHLY CONFIDENTIAL,” or “CONFIDENTIAL – ATTORNEY’S EYES ONLY” under the Stipulated Protective Order entered in this matter. ECF No. 79. These documents contain highly confidential or sensitive information relating to CSX’s, NS’s, or NPBL’s transportation and shipping practices, business strategy, internal communications, and other highly confidential, proprietary and sensitive business information, release of which would harm CSX, NS, or NPBL.

Any party or non-party may submit memoranda in support of or in opposition to this Motion within seven (7) days, designating all or part of such memoranda as confidential. Any information designated as confidential in a supporting or opposing memoranda will be treated as sealed pending a determination by the Court on the Motion to Seal. Any person objecting to this Motion must file an objection with the Clerk within seven (7) days after the filing of this Motion. If no objection is filed in a timely manner, the Court may treat the Motion as uncontested.

*[Signatures on following page]*

Dated: October 13, 2022

Respectfully submitted,

/s/ Alan Wingfield

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